

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

OCTAVIOUS BRADLEY

CIVIL ACTION NO: 1:20-cv-1390

VERSUS

JUDGE:

WALMART INC.

MAGISTRATE:

NOTICE OF REMOVAL AND JURY DEMAND

TO: Greta Roaix– Deputy-in-Charge
United States District Court
Western District of Louisiana
Clerk of Court
515 Murray St., Suite 105
Alexandria, LA 71301

Mr. Josh Powell
Morris & Dewett, LLC
509 Milam Street
Shreveport, LA 71101

NOW INTO COURT, through undersigned counsel, comes WALMART INC. (sometimes hereinafter referred to as “Walmart”) defendant in the above entitled cause, and appearing solely for the purpose of presenting this Notice of Removal of the above entitled cause to this Honorable Court under the provisions of 28 U.S.C. § 1441, *et seq.*, and reserving all rights, respectfully shows as follows:

1.

This suit was filed by plaintiff in the 10th Judicial District Court, Civil Action No. 92,112 “A”, Natchitoches Parish, Louisiana, on August 14, 2020. (Ex. A).

2.

Defendant filed an answer to the petition on October 2, 2020 (Ex. B).

3.

Plaintiff is a citizen of Louisiana. (Ex. A).

4.

Defendant Walmart Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas. Defendant is a publicly held company.

5.

In his Petition, plaintiff alleges that he suffered “[p]ast, present and future medical expenses, physical pain and suffering, mental pain and anguish, permanent injuries, disfigurement and disability, and loss of enjoyment of life” when totes fell off of a cart and struck him while he was at the Walmart Store located on Keyser Avenue in Natchitoches, Louisiana. (Ex. A, ¶¶ 2, 4, 5, 6, 9).

6.

Consistent with Louisiana law, in his Petition plaintiff does not allege any specific monetary amount of the value of his claims.

7.

On October 20, 2020, defendant received plaintiff’s Answers to Interrogatories, Requests for Production of Documents, and Request for Admission of Fact. (Ex. C).

8.

In response to Walmart’s Request for Admission No. 1, plaintiff asserts, for the first time, that he is seeking damages in this lawsuit in excess of \$75,000.00, exclusive of interest and costs.

Id.

9.

Based on plaintiff's Response to Request for Admission No. 1, Walmart alleges the amount in controversy in this suit exceeds \$75,000.00, exclusive of interest and costs.

10.

Pursuant to 28 USC § 1446(b), this Notice of Removal is timely because plaintiff's Response to Request for Admission No. 1, received by Wal-Mart on October 20, 2020, constitutes an "other paper from which it was first ascertained that the case is one which is or has become removable," and the Notice of Removal is filed within one year after the commencement of the action.

11.

The Court has jurisdiction of this cause of action under 28 USC § 1332.

12.

The proper court for removal is the United States District Court for the Western District of Louisiana.

13.

Defendant requests a trial by jury as to all issues triable by a jury.

14.

Defendant further shows unto the Court that immediately upon the filing of this Notice of Removal, a copy of same shall be served upon all adverse parties and a copy filed with the Clerk of the 10th Judicial District Court, Natchitoches Parish, Louisiana, all in accordance with 28 USC § 1446(d).

15.

Pursuant to Rule 11 of the Federal Rules of Civil Procedure, undersigned counsel certifies that he has read the foregoing Notice of Removal, that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the costs of litigation.

WHEREFORE, Walmart Inc., removes the above-entitled case from the state court to this Court.

Respectfully submitted,

CHADWICK & ODOM, LLC


BY: 

R. O'Neal Chadwick, Jr. (#19517)
nchadwick@chadwicklawpartners.com
Gregory B. Odom, II (#33470)
godom@chadwicklawpartners.com
P.O. Box 12114
Alexandria, LA 71315
Telephone: (318) 445-9899
Facsimile: (318) 445-9470
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all counsel of record by placing same in the U.S. Mail, postage prepaid and properly addressed, or by fax, or by email, this 28th day of October 2020.

CHADWICK & ODOM, LLC



Gregory B. Odom, II